

VZCZCXYZ1267
PP RUEHWEB

DE RUEHTU #0206/01 0661059
ZNR UUUUU ZZH
P 061059Z MAR 08
FM AMEMBASSY TUNIS
TO RUEHC/SECSTATE WASHDC PRIORITY 4537
INFO RUCNMGH/MAGHREB COLLECTIVE PRIORITY
RUEAWJB/DEPARTMENT OF JUSTICE WASHDC PRIORITY
RUEHC/DEPT OF LABOR WASHDC PRIORITY
RUEATRS/DEPT OF TREASURY WASHINGTON DC PRIORITY
RUEAHLG/HOMELAND SECURITY CENTER WASHINGTON DC PRIORITY

UNCLAS TUNIS 000206

SIPDIS

SENSITIVE
SIPDIS

STATE FOR G/TIP (PATEL), G, INL, DRL (KLARMAN), PRM, NEA/RA
(CHATTERJI) AND NEA/MAG (HARRIS AND HOPKINS)

E.O. 12958: N/A

TAGS: [ELAB](#) [KCRM](#) [KFRD](#) [KWMN](#) [PHUM](#) [PREF](#) [SMIG](#) [ASEC](#) [TU](#)

SUBJECT: TUNISIA -- 2008 TIP REPORT

REF: A. 03/03/2008 PATEL-COOPER EMAIL

[1](#)B. STATE 2731

[1](#)1. (U) The information below is provided in response to reftel. Post POC for TIP related issues is Susannah Cooper, (Tel.) 216-71-107-306, (Fax) 216-71-107-090. Number of hours spent by rank: 2 hrs FE-MC, 2 hrs FE-OC, 2 hrs FS-01, 50 hrs FS-02.

THE LOCAL CONTEXT

[1](#)2. (SBU) Thanks to comprehensive government laws and policies focused on social justice and equality, Tunisia is well prepared to combat the international phenomenon of trafficking in persons. Government officials are knowledgeable about the international trafficking problem and has undertaken legal and practical steps to prevent its emergence in Tunisia and to coordinate with those fighting the problem in neighboring countries. Tunisia's favorable geographic location has historically proven attractive to illegal migrants, both Tunisians and foreigners, attempting to reach Europe. However, the GOT works hard to combat illegal migration from its borders. While there was no evidence such migrants are trafficking victims, local and international public and private sector entities remain committed to providing assistance to Tunisians and non-Tunisians who may be intending economic migration. Tunisia's small, homogeneous and educated population helps diminish the likelihood of trafficking and exploitation. There was no evidence of forced labor in Tunisia, and the GOT actively managed and supervised the labor market, including the market for domestic employees.

[1](#)3. (SBU) Begin TIP responses (keyed to Refs A and B):

[1](#)27. OVERVIEW:

[1](#)A. Local and international governments and NGOs all reported that there was no evidence of trafficking in persons in Tunisia. While Tunisia's proximity to Europe has made it a traditional departure point for illegal migrants, illegal migration attempts by Tunisians and non-Tunisians diminished as the result of GOT improvements in border control, legal sanctions and cooperation with Tunisia's Mediterranean neighbors. The GOT is serious about enforcing legislation designed to combat illegal migration and trafficking. Non-governmental contacts report that there was no evidence

of coercion, fraud, or use of force to induce migration and no indication that these migrants are subject to involuntary servitude, peonage, or debt bondage in Tunisia. All contacts reported individual migrants were seeking to migrate to Europe independently of any organized criminal migration or trafficking network.

As is true in nearly all societies, a very small number of Tunisian children may be victims of sexual exploitation. However, there are no available statistics on the number of cases of commercial sexual exploitation (see section 28 B). Children's rights in Tunisia are strongly protected and severe legal punishments are applied to those convicted of child abuse. The government reported that neither the judiciary nor protection entities found evidence of any form of human trafficking.

Embassy officers consulted a wide range of sources in 2007 and 2008, including:

- Ministry of Foreign Affairs Report dated February 28, 2008. (Note: The government provided a written response in lieu of granting meetings between Embassies and relevant ministries.)

- Non-governmental organizations, including the General Union of Tunisian Workers (UGTT) and the Tunisian Association of Democratic Women (ATFD).

- International organizations, including the International Organization for Migration and UNICEF.

- Diplomatic missions in Tunisia.

- Local and international press coverage of illegal migration and trafficking in persons in the Mediterranean region.

Post believes that information from these sources is reliable. All of these contacts reported no evidence of human trafficking to, through or from Tunisia.

28. INVESTIGATION AND PROSECUTION:

A. Tunisia does not have a law specifically prohibiting trafficking. However, in February 2008, the Ministry of Justice Center for Judiciary Studies had begun to study the possibility of adopting a law that specifically outlaws all forms of trafficking in persons, that would include updates to all related legislation to enforce the protection against trafficking. Post has no information about when such a law might be drafted or promulgated.

However, there are a number of laws under which traffickers could be punished. The Tunisian passport law (No. 6/2004) was amended in 2004 to include punishments for anyone who "guides, arranges, facilitates, assists, acts as an intermediary, or organizes the surreptitious entry or exit, even without remuneration, of an individual to or from Tunisia by land, sea or air." Violators face imprisonment for up to twenty years and a fine of 100,000 Tunisian dinars (approximately USD 82,600) if the crime results in death. Traffickers could also be prosecuted under laws prohibiting slavery, bonded labor, and the misuse of boats. Slavery was banned in Tunisia in 1846, and in 1966 Tunisia ratified the 1926 League of Nations Slavery Convention and related UN protocols. Economic, sexual or criminal exploitation, as well as forced labor, prostitution, participation in armed conflict, displacement and any other form of servitude is illegal. The penal code sentences government employees to life imprisonment for document forgery. In order to combat illegal migration by sea, marine laws were amended in 2004 (No. 3/2004 and No. 4/2004) to require all boats with motors larger than five horsepower to inform the National Guard of its route and passengers before leaving port, or face a fine of 1,000 Tunisian dinars (approximately USD 826). All related international agreements also have the effect of codified law once ratified.

There were no investigations, prosecutions, convictions or sentences for offenses that were explicitly defined as trafficking during the reporting period. However, throughout the year, illegal migrants from Tunisia and elsewhere were intercepted off, or washed up on, Tunisia's coastlines. However, there were no indications these migrants were trafficking victims. The government reported that intending illegal migrants were primarily individuals who had paid for their transport abroad only and had not engaged any third party who might seek to exploit them in the destination country.

During the 2006-07 judicial year, 413 people were charged with crimes related to illegal migration and sentenced as follows:

- 33 people were not convicted
- 59 received fines
- 8 received less than one month imprisonment
- 15 received more than one month and less than one year imprisonment
- 68 received more than one year and less than five years imprisonment
- 18 received more than five years imprisonment

1B. Sexual exploitation is addressed by the penal code and child protection laws. These laws do not specifically address trafficking, and penalties depend on the degree of exploitation or violation of the law. In February 2008, the government said it envisions strengthening the existing child protection law. According to government statistics, there were 95 reports of child sexual exploitation from January to September 2007. However, these statistics did not indicate how many were victims of commercial sexual exploitation nor did they include the sentences for those convicted of involvement.

1C. The Tunisian labor code is strict and strictly enforced. Slavery, forced labor, and bonded labor is banned by the Constitution, national laws and international conventions. The government reported there was no evidence of the practice in Tunisia and that labor inspectors received no reports of forced labor. Therefore, no cases of forced labor were examined by Tunisian courts.

However, there was limited anecdotal evidence that a small number of domestic employees may have been in non-compliance with labor laws, including contracts arranged by illegal work agencies. Although there was no evidence of trafficking, the GOT takes these reports very seriously and has undertaken directed efforts to prevent such violations. The involvement of free or paid intermediaries in the employment of domestic workers is banned by the labor code, in order to prevent the exploitation of these workers. The Ministry of Employment operates regional centers in each of Tunisia's 24 governorates, as well as 83 smaller offices, to assist job seekers in securing legitimate jobs and contracts. The Ministry of Social Affairs, Solidarity and Tunisians Abroad is responsible for investigating violations of the labor code, including reports of labor abuses, and conducts approximately 30,000 investigations annually.

Tunisia was not known as a labor source or destination country, however the government works closely with European nations to protect the labor rights of Tunisians employed in those countries. There were no available statistics about related convictions during the reporting period.

1D. The penalty for rape with the use of violence and/or threat with a weapon is death, which is also prescribed for rape of a child under the age of ten. For all other rape cases, the penalty is life imprisonment. Tunisian law states that children under the age of 13 cannot consent to sexual relations. Those guilty of or intending to have sexual relations with a child over 13 and under 15 can be sentenced to six years. Those guilty of or intending to have sexual relations with a child over 15 and under 20 can be sentenced

to five years.

¶E. Prostitution is illegal under the penal code, which includes punishments for prostitutes, clients and intermediaries, and was strictly enforced. Prostitutes and their clients can be imprisoned from six months to five years and face fines of up to 500 Tunisian dinars (approximately USD 413). Intermediaries face imprisonment for up to three years and fines of up to 500 dinars. Enforcement and prosecution of prostitution laws was strict. However, in a small number of Tunisian cities, prostitution is legally organized and supervised by the Ministry of Interior. During the September 2006 – July 2007 judicial year, 451 people were convicted of illegal prostitution and 59 convicted of assisting prostitution. The GOT reports 250 victims of illegal prostitution and 24 victims of aiding prostitution.

¶H. There was no cooperative investigation or prosecution of trafficking cases. However, the government works closely with foreign governments to combat illegal migration and protect Tunisians abroad. The Tunisian penal code allows for the punishment of individuals who commit crimes of debauchery outside of the country.

¶L. There was no evidence Tunisian peacekeepers deployed abroad engaged in or facilitated trafficking.

¶M. The government did not identify child sex tourism as a problem, and there were no public statistics on the number of pedophiles prosecuted or extradited. The Tunisian penal code allows for the punishment of individuals who commit crimes of debauchery outside of the country. See also section 28 B.

¶29. PROTECTION AND ASSISTANCE TO VICTIMS:

¶A. Although there was no evidence of the presence of foreign trafficking victims, the government generally cooperated with UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

¶C. As there was no evidence of trafficking in persons in Tunisia, the government provided no dedicated support to organizations for services to trafficking victims and there were no organizations undertaking this effort. See also section 29 K.

¶E. There was no evidence that persons involved in the regulated commercial sex trade were trafficking victims. Those working in this sector are licensed following a background and medical check. However, there was no public information about trafficking screening mechanisms.

¶F. As there was no evidence of trafficking in persons in Tunisia, no trafficking victims were identified. In the case of child victims of sexual exploitation (not specifically commercial sexual exploitation), such individuals may be placed in state-operated juvenile reform centers if there are no direct relatives capable of caring for the child. International NGOs report that all children in such centers who were victims of child sexual exploitation were also found to suffer from other psychological and/or behavioral problems. Some have also committed crimes such as drug use, for which they may be prosecuted.

¶G. As there was no evidence of trafficking in persons in Tunisia, no trafficking victims were identified.

¶H. As there was no evidence of trafficking in persons in Tunisia, there were no dedicated facilities accessible to trafficking victims. However, two private NGOs operate women's shelters that could be utilized by trafficking victims. The GOT takes great pride in its social programs, especially those for women, children and the handicapped, and works closely with Tunisian civil society to promote these efforts across Tunisia. There are also several private charities and government-sponsored NGOs that offer assistance to illegal immigrants entering the country. There was no information that indicate any of these services were utilized

by trafficking victims in the reporting period.

I. The government did not provide any specialized training for government or embassy officials in recognizing trafficking. However, the government works closely with foreign governments to combat illegal migration and protect Tunisians abroad. Government "social attaches" in countries with large Tunisian expatriate populations are responsible for informing Tunisian workers abroad of their rights in Tunisia and the country of residence, in order to combat the possible exploitation of these workers overseas. In November 2007, Tunisia joined the 34 members of the Euro-Mediterranean Partnership who agreed to take cooperative steps to combat human trafficking and to strengthen channels of legal migration. There were no reports of Tunisian citizens abroad being identified as trafficking victims.

J. As there was no evidence of trafficking in persons in Tunisia or of Tunisians abroad, the government did not assist any nationals who were trafficking victims.

K. As there was no evidence of trafficking in persons in Tunisia, there were no dedicated international organizations or NGOs working with trafficking victims.

30. PREVENTION:

B. As there was no evidence of trafficking in persons in Tunisia, the government conducted no anti-trafficking campaigns. However, the government did organize awareness campaigns about child sexual exploitation, including those that target security and judicial officials.

C. Although none are specifically working on trafficking, NGOs and international organizations assisting Tunisians and non-Tunisians reported good cooperation with the government.

D. According to the GOT and private organizations, there was no evidence that illegal migrants -- Tunisian or non-Tunisian -- are victims of trafficking. Official investigations into all illegal migration cases found no evidence that the involved are victims of trafficking. GOT investigations found that the main reasons for attempting illegal migration were employment opportunities, family reunification, tourism and circumvention of visa policies. The government also noted that there was no evidence of any criminal enterprises, Mafia or gang involvement in these illegal migration attempts.

E. The GOT uses an interagency approach to address issues of trafficking and illegal migration.

F. As there was no evidence of trafficking in persons in Tunisia, there was no national plan of action to address trafficking in persons.

G. As there was no evidence of significant demand for commercial sex acts, there were no campaigns to reduce the demand for commercial sex acts. However, the government did organize awareness campaigns about child sexual exploitation, including those that target security and judicial officials.

I. There was no public information about the government's measures to ensure its nationals deployed as peacekeepers not engage in or facilitate trafficking.

Please visit Embassy Tunis' Classified Website at:
<http://www.state.sgov.gov/p/nea/tunis/index.cfm>
GODEC